

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Douglas Mittelstadt,)
)
Plaintiff,)
)
vs.) Case No. 3:07-cv-26
)
North Dakota Dept. of Corrections)
LeAnn Bertsch, Director)
)
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is defendant's Motion for Summary Judgment (doc. #29). The Court received a Report and Recommendation by the Honorable Karen K. Klein, United States Magistrate Judge, recommending defendant's Motion for Summary Judgment be granted (doc. #38). After the plaintiff filed an objection asserting other inmates told him not to respond to the defendant's motion because it would irritate the court, Judge Klein allowed the plaintiff to file a response. The Court subsequently received a Supplemental Report and Recommendation recommending defendant's Motion for Summary Judgment be granted (doc. #42).

Therefore, upon careful review of these items and the entire file, this Court finds the Magistrate Judge's Recommendations to be correct and hereby adopts the Supplemental Report and Recommendation in its entirety. Accordingly, defendant's Motion for Summary Judgment is **GRANTED** and the plaintiff's action is dismissed with prejudice.

IT IS SO ORDERED.

Dated this 2nd day of October, 2008.


RODNEY S. WEBB, District Judge
United States District Court